

**7-6-A. Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, Etc. (1200 TN 358 7-6-A)****1. AUTHORITY.**

- a. To make findings of violation, to issue notices of violation, to issue orders, to issue or withdraw complaints, to issue penalty orders, to issue administrative compliance orders, to give written notice of a proposed administrative penalty, and to issue field citations, except for new source review orders;
- b. To negotiate and confer with the alleged violator pursuant to the Clean Air Act, as amended, (CAA);
- c. To sign consent agreements memorializing settlements between the Agency and respondents, and to compromise or modify administrative penalties, except for new source review orders;
- d. To make findings of violation, to issue orders, to issue penalty orders, and to compromise, modify or remit administrative penalties, except for new source review orders; and
- e. To determine jointly with the Attorney General (AG) in accordance with the CAA the circumstances under which a matter involving a larger penalty or longer period of violation is appropriate for administrative penalty action.

**2. TO WHOM DELEGATED.**

- a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Director, Enforcement and Compliance Assurance Division (ECAD).
- b. The authorities in 1.b. and 1.c. are delegated to the Regional Counsel.
- c. The authorities in 1.d. are delegated to the Regional Judicial and Presiding Officer.
- d. The authority in 1.e. is delegated to the Regional Counsel. The Regional Counsel may exercise this authority only after prior consultation with the appropriate delegatee in 2.a. above.

**3. LIMITATIONS.**

- a. The delegates must submit copies of all administrative complaints, all signed consent agreements and all penalty justification documentation to the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) within 20 days from their issuance or signing. The AA/OECA or designee may issue guidance concerning headquarters oversight of the administrative penalty program.

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- b. The AA/OECA may waive his consultation and concurrence requirements by memorandum.
- c. The AA/OECA must concur in any determination regarding the authority delegated under paragraph 1.e. The Deputy Administrator may, based on the recommendation of the AA/OECA or designee, withdraw any authority delegated to the Regional Administrators or impose additional concurrence or consultation requirements on a case-by-case basis, based on a determination that a Region has failed to adequately follow or implement guidance and policies concerning the administrative penalty program.
- d. The AA/OECA may exercise these authorities in multi-regional cases, cases of national significance or nationally managed programs. The AA/OECA or designee must notify any affected Regional Administrators or designees when exercising any of the above authorities except for issuing notices of violation, issuing complaints, issuing field citations and making findings of violation.

**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**5. ADDITIONAL REFERENCES.**

- a. Sections 113(a), 113(d), 113(e) and 205(c) of the Clean Air Act.
- b. Emergency administrative orders are covered by Delegation 7-49, "Emergency Administrative Powers."
- c. Section 113(a)(5) new source review orders are covered by Delegation 7-37, "Administrative Enforcement Actions: New Source Review Orders".

**6. SUPERSESSION.** Delegations Manual, CAA, Regional Delegation 7-6-A, Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, Etc., 1200 TN RIII 164 (September 1, 2005).

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Regional Administrator